

**ORIGINAL**

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

**ORIGINAL  
FILE**

In the Matter of	)	PR Docket No. 92-136
	)	
Amendment of Part 97 of the	)	RM-7849
Commission's Rules To Relax	)	RM-7895
Restrictions on the Scope of	)	RM-7896
Permissible Communications in	)	
the Amateur Service	)	

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**JOINT COMMENTS OF THE  
NATIONAL ASSOCIATION OF BROADCASTERS  
AND THE RADIO-TELEVISION NEWS DIRECTORS ASSOCIATION**

By its Notice of Proposed Rule Making ("Notice") in the above-captioned proceeding,<sup>1</sup> the FCC has proposed amending its amateur radio rules to expand the scope and conditions of permissible communications by amateur radio operators. The National Association of Broadcasters ("NAB")<sup>2</sup> and the Radio-Television News Directors Association ("RTNDA"),<sup>3</sup> participants in several past FCC proceedings dealing with amateur radio, hereby submit comments in the instant proceeding.

<sup>1</sup>See Notice of Proposed Rule Making in PR Docket No. 92-136, 7 FCC Rcd 4231 (1992).

<sup>2</sup>NAB is a nonprofit, incorporated association of radio and television broadcast stations and networks. NAB serves and represents America's radio and television stations and all the major broadcast networks.

<sup>3</sup>RTNDA is the principal professional organization of journalists who gather and disseminate news and other information on radio and television in the United States.

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Since 1984, NAB and RTNDA have been urging the Commission, in various docketed proceedings before the agency, to reduce or eliminate restrictions placed on amateur radio operators' voluntary cooperation with journalists in disseminating news information about important news events in situations where no other means of communications are available for the delivery of such information.<sup>4</sup> These NAB and RTNDA filings, many of which also have involved the participation of other allied groups, have criticized the Commission's restrictions on such amateur radio use as antithetical to the public interest as these regulatory provisions act to keep important information from the American public in situations when the need for such information is immediate.

Consistent with these earlier filings, NAB and RTNDA today urge the Commission to eliminate several aspects of its rule restrictions on amateur radio operators' involvement in newsgathering activities. Specifically, we do not believe any rational or supportable purpose is served by the provisions of Section 97.113,<sup>5</sup> which restrict amateur radio involvement in

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<sup>4</sup>See, e.g., Comments of RTNDA in BC Docket No. 79-47, filed October 17, 1984; Joint Response of NAB and RTNDA to Petitions for Reconsideration in BC Docket No. 79-47, filed August 26, 1985; Comments of RTNDA, NAB, et al. in PR Docket No. 88-139, filed November 23, 1988; and RTNDA, NAB et al. Petition for Reconsideration in PR Docket No. 88-139, filed July 20, 1989.

<sup>5</sup>See 47 U.S.C. §97-113 (c), which provides as follows:

No [amateur] station shall transmit  
communications in order to engage in any form  
of broadcasting, nor engage in any activity

(continued...)

newsgathering activities to only those situations where immediate safety of human life or the immediate protection of property is involved.

In its Notice the Commission has proposed to supplant current Section 97.113(c) with a new Section 97.113(b). While this proposed section does appear to advance newsgathering interests better than the current rule provision,<sup>6</sup> we urge the

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<sup>5</sup>(...continued)

related to program production or newsgathering for broadcasting purposes. [An amateur] station may, however, transmit communications to convey news information about an event for dissemination to the public when the following conditions are present:

- (1) The information involves the immediate safety of life of individuals or the immediate protection of property;
- (2) The information is directly related to the event;
- (3) The information cannot be transmitted by any other means because normal communications systems have been disrupted or because there are no communication systems available at the place where the information originated; and
- (4) Other means of communication could not be reasonably provided before or at the time of the event.

<sup>6</sup>For example, the proposed rule eliminates the "immediacy" qualifier relating to the protection of property. Logically, the same qualifier should be eliminated from the "safety of life" element in the same sentence. See pp. 5-6, infra. Also, the proposed rule eliminates the provisions of Section 97.113(c)(4) and modifies the provisions found in current Section 97.113(c)(3), each change removing conditions that unnecessarily restrict voluntary amateur radio use in the newsgathering process.

Commission to take this opportunity to eliminate entirely the rule provisions relating to the protection of property and the safety of human life.

If the goals of this proceeding truly are to "expand the scope of public service communications"<sup>7</sup> and to "relax the prohibition against amateur stations transmitting any communications that could be furnished via other radio services,"<sup>8</sup> then the requests today of NAB and RTNDA should be granted.

Over the years the Commission has sanctioned numerous exceptions to the amateur radio business and commercial communications prohibition and the prohibition against retransmission of programs or signals from non-amateur radio stations. These exceptions include, for example, amateur radio transmissions which are necessary to:

- (1) facilitate public participation in various public gatherings;<sup>9</sup>
- (2) facilitate information exchange among amateur operators regarding the sale or trade of amateur station apparatus;<sup>10</sup>
- (3) transmit telegraphy practice;<sup>11</sup>

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<sup>7</sup>Notice, supra note 1, ¶ 9

<sup>8</sup>Id.

<sup>9</sup>47 C.F.R. §97.113 (a)(1).

<sup>10</sup>47 C.F.R. §97.113 (a)(2).

<sup>11</sup>47 C.F.R. §97.113 (b).

- (4) transmit information bulletins;<sup>12</sup>
- (5) retransmit communications between space shuttle crafts and associated earth stations;<sup>13</sup>
- (6) operate and relay transmissions to and from amateur space stations;<sup>14</sup>
- (7) relay messages for third parties within the United States;<sup>15</sup> and
- (8) relay international communications by third parties within cooperating foreign nations.<sup>16</sup>

At the very least, the Commission should conclude in this proceeding that the "immediacy" requirement for newsgathering utilization of voluntary amateur radio services, where no other voice communication is available, should be eliminated. Such a conclusion would be in keeping with the spirit of the FCC's broad and various exceptions -- current and proposed -- to the business communications prohibition and non-amateur communications prohibition described above.

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<sup>12</sup>Id.

<sup>13</sup>47 C.F.R. §97.113 (e).

<sup>14</sup>Id.

<sup>15</sup>47 C.F.R. §97.115 (a)(1).

<sup>16</sup>47 C.F.R. §97.115 (a)(2).

In the November 23, 1988, Comments of NAB, RTNDA, et al., noted above,<sup>17</sup> we urged the Commission to adopt the following rule substitute:

No amateur station shall transmit communications to convey news information for dissemination to the public unless the following conditions are met:

- (1) The information is directly related to an important news event; and
- (2) The information cannot be transmitted by means other than an amateur station because normal voice communication systems have been disrupted or because there is no other voice communication system available at the place where the information is originated.

Adoption of this rule -- in the instant proceeding -- would be particularly appropriate, especially when viewed in the context of other Commission proposals in this proceeding. As compared to the FCC's own proposals herein, our proposal relating to the voluntary, uncompensated cooperation of amateur radio operators for newsgathering purposes is even less a threat to the "essential character of the amateur service as a reservoir of volunteer communicators, technicians and electronics experts dedicated to advancing the radio art, to provide public service communications . . . ." <sup>18</sup>

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<sup>17</sup> See, e.g., Comments of NAB, RTNDA, et al. in PR Docket No. 88-139, supra note 4.

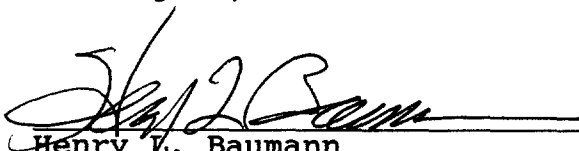
<sup>18</sup> See Notice, supra note 1, ¶ 7.


CONCLUSION

For the reasons stated above, NAB and RTNDA respectfully urge the Commission to amend its amateur radio rules in a fashion that will better enable amateur operators to cooperate with journalists in disseminating news information about important news events when no other means of communications are available for such information delivery.


Respectfully submitted,

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